

Tuesday, October 30, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review and Approval:

1-13. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 13 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Items Set for Hearing:

1. Introduction of an ordinance implementing the County fee schedule "A" for Calendar Year 2013 and fee schedule "B" for Fiscal Year 2013-14. Set hearing date for November 20, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve an employment contract with Greg Schulte as the Assistant County Administrative Officer.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Submittal of a resolution proclaiming November 12, 2012 as "Be a Santa to a Senior Day" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-270, adopted.

4. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

5. Request for the Board of Supervisors to make appointments in-lieu of election.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

6. Request to approve a contract (Clerk's File) with the State Water Resources Control Board in the amount of \$47,821 for the purpose of implementing the ocean water quality monitoring and public notification program for the period beginning July 1, 2012 and ending September 30, 2013.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve a FY 2012-13 contract (Clerk's File) with 7th Avenue Center, LLC in an amount not to exceed \$636,560 to provide residential and intensive mental health services in a locked facility to adults who cannot care for themselves due to their mental illness.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

8. Request to approve a contract with Med+Stop Urgent Care Center in an annual amount of \$150,000 for pre-employment medical exam services through February 1, 2015.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

9. A request to authorize the use of alternative publication procedures for amendments to the San Luis Obispo County General Plan, Title 22 of the County Code, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code. All Districts.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Probation:

10. Submittal of a resolution amending the Position Allocation List for Fund Center 139 - Probation to delete a 1.00 FTE Deputy Probation Officer I/II position and add a 1.00 FTE Deputy Probation Officer III position.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-271, adopted.

Consent Agenda - Public Works Items:

11. Submittal of a resolution accepting a portion of Willow Road, County Road No. 1073, into the County Maintained Road System, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-272, adopted.

12. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment Parcel Map COAL 12-0030, a proposed lot line adjustment resulting in 3 lots by R. Donald and Marilyn R. Warden, Trustee of the Warden Family Trust, Los Osos Valley, approximately 1.5 miles westerly of San Luis Obispo. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

13. Request to approve the appointment of Thea Chase, Gilbert Stork, Scott Smith and Bill Peterson to the San Luis Obispo County Workforce Investment Board (WIB).

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

14. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Supervisor Mecham: reminds the public it is important to be prepared in the event of a major disaster and suggests the public contact the Red Cross for assistance.

Ms. Julie Rodewald - Clerk-Recorder: provides an update on the upcoming Presidential General Election on November 6, 2012; and announces the Elections Division will open to the public on Thursday night, November 1, 2012 until 6:00 PM and on November 3, 2012 and November 4, 2012 from 9:00 AM to 1:00 PM.

Mr. Richard Margetson, Ms. Gwynn Taylor: comment on Supervisor Gibson's remarks to Mr. Leonard Moothart - Los Osos Community Services District Director, at the recent hearing regarding the Water Conservation Implementation Plan for the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker, Mr. Ben DiFatta and Ms. Piper Riley: address various concerns relating to the LOWWP. Additionally, Ms. Riley comments on the proposed seismic studies and Item No. 18.

Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB): speaks to the upcoming hearing on November 13, 2012 regarding the amendments to the agricultural cluster land divisions.

Mr. Eric Greening: addresses the need to establish emergency evacuation plans, in the event of a disaster, for individuals without transportation.

Mr. Brad Snook - Surfrider Foundation Chairperson: presents and discusses a handout concerning water quality problems in the County.

Mr. Tom Dawson: speaks to sustainable development relative to private property rights. **No action taken.**

Board Business:

15. An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih, Inc. and Peterson Consulting, Inc. All Districts.

Mr. Paul Yoder and Ms. Karen Lange - Shaw/Yoder/Antwih, Inc. and Peterson Consulting, Inc.: provide an update on State Legislative activities.

Chairperson Patterson: opens the floor to public comment.

Mr. Eric Greening: speaks. **No action taken.**

16. Submittal of an Update to the 2011 Public Safety Realignment Act (AB109) Implementation Plan for the Board of Supervisor's consideration and approval; submittal of a resolution amending the Position Allocation list to add 9.00 FTE positions and a request to approve corresponding budget adjustments in Fund Center 132 - District Attorney, 135 - Public Defender, 136 - Sheriff-Coroner, 139 - Probation, and 166 - Behavioral Health, totaling \$517,154.

Chairperson Patterson: opens the floor to public comment without response.

The Board approves the updated 2011 Public Safety Realignment Act (AB 109) Implementation Plan for FY 2012-13 and FY 2013-14; RESOLUTION NO. 2012-273, a resolution amending the position allocation list resolution for Fiscal Year 2012-13, adopted. Furthermore, the Board approves a corresponding budget adjustment in Fund Centers 132–District Attorney, 166–Behavioral Health, 136–Sheriff-Coroner, 139–Probation, and 135–Public Defender, totaling \$517,154.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings:

17. Hearing to consider an appeal by Plains Exploration and Production Company of Public Facility Fees on various Building Permits. District 3. Continue item off calendar.

Mr. Matt Janssen – Planning and Building Division Manager: requests this item be continued off calendar to allow staff and the appellant additional time to resolve issues.

Chairperson Patterson: opens the floor to public comment without response.

The Board continues this hearing off-calendar.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business Continued:

18. Request to approve Amendment One to the operating agreement between County Parks and California Department of Parks and Recreation for use and operation of specific State parklands, relinquish a portion of Pecho Valley Road and construct entry kiosk for Montano de Oro State Park. District 2.

Chairperson Patterson: opens the floor to public comment.

Mr. Gary Freiberg, Ms. Gwynn Taylor, Ms. Julie Tacker, Ms. Mary Bettencourt - Central Coast Concerned Mountain Biker, Mr. Bob Doerr, Ms. Barbara Doerr, Mr. Cayetano Moreno and Mr. Brad Snook – Surf Rider Foundation Chairperson: speak.

The Board approves Amendment One to the Operating Agreement between San Luis Obispo County and the California Department of Parks and Recreation for the use and operation of Morro Bay Golf Course, Pecho Road in Montano de Oro State Park, Bishop Peak and the Beach, Pier, Veterans Memorial Hall and Old Creek in Cayucos.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

19. Consideration of a request from Jack’s Helping Hand, Inc. for \$532,500 Park Public Facility Fee and/or Quimby Fee funding to assist in constructing Phase I of Jack Ready Imagination Park. District 4.

Chairperson Patterson: opens the floor to public comment.

Mr. Paul Ready (handout): speaks.

The Board reviews the report and determines a total of \$532,500 is an appropriate amount of Quimby Fee

(\$426,000) and Park Public Facility Fee (\$106,500) funding to designate for construction of Phase I of Jack Ready Imagination Park in accordance with the conceptual plans. Further, RESOLUTION NO. 2012-274, a resolution of findings concerning use of Parks Public Facility fees and Quimby Act fees to fund construction of park land improvements at Jack Ready Imagination Park, adopted. Furthermore, the Board amends the Public Facility Fund, Public Facilities Financing Plan Chapter 3.3 Park Facility Inventory to include Jack Ready Park as eligible for Public Facility Fee funding; approves a Budget Adjustment Request of the approved amount of \$532,500 from the Public Facilities Fee Fund Center 24700 and Quimby Fee Fund Center 85700 to Parks-Land Fund Center 30504 to fund construction costs for subject project and 6.5% of the amount allocated for project oversight by Architectural Services; and instructs and authorizes the General Services Agency Director to complete and sign a written agreement between General Services Agency and Jack’s Helping Hand, Inc., to include all appropriate requirements for the use of public funding and the General Services Agency processes to review plans and specifications, accomplish construction inspections and authorizes the Director to approve the agreement and disburse funding for the project.

Motion by: Paul Teixeira
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

20. Closed Session.

There are no closed session items scheduled. No action was taken.

Presentations:

21. Submittal of a resolution recognizing the John W. Callahan Heart Safe Project in San Luis Obispo County.

Ms. Lynne Callahan: speaks.

RESOLUTION NO. 2012-275, a resolution recognizing the John W. Callahan Heartsafe Project in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business Continued:

22. Discussion regarding PG&E’s Coastal Development Permit application and a consistency certification to the California Coastal Commission to conduct a 3-D seismic imaging survey offshore of the Diablo Canyon Power Plant.

Mr. Dan Buckshi – County Administrative Officer: outlines the purpose of today’s discussion and clarifies that the Board has no authority over this issue.

Chairperson Patterson: opens the floor to public comment.

State Senator Sam Blakeslee, Mr. Shane Stoneman, Ms. Rose Weggler, Ms. Alexandra Steinicke, Ms. Madge

Torres, Mr. Joseph Conchelos – Morro Bay Commercial Fisherman’s Organization, Ms. Ruth Goodnow, Mr. Derek Barbas, Ms. Nancy Koren, Ms. Alycia Kiley, Ms. Henriette Groot, Ms. Heather Noyes, Mr. Joey Racano, Ms. Dori Stone, Mr. Kevin Winfield – Sub Sea Tours, Ms. Marty Brown - Pacific Wildlife Care, Ms. Mandy Davis – Citizens Opposing Acoustic Seismic Testing (COAST) Alliance, Ms. Andrea Lueker - City of Morro Bay City Manager (handout), Mr. Richard Sadowski – COAST Alliance, Mr. Eric Endersby - City of Morro Bay Harbor Master, Mr. Richard Beaumont, Ms. Adrienne Dickenson, Mr. Andrew Christie – Sierra Club, Mr. Eric Greening, Ms. Michele Stoutenborough, Ms. Shane Verplanchk, Mr. Otto Schmidt, Mr. Craig Schmidt – Morro Bay Chamber of Commerce, Mr. Pete Kelley – Avila Beach Community Services District (handout), Ms. Chris Cummings, Ms. Elizabeth Brousse, Ms. Jane Swanson – San Luis Obispo Mothers for Peace, Ms. Joanna Spinoza - Save the Whales Organization (handout), Ms. Barbara Doerr, Mr. Daniel Diaz, Mr. Brad Snook – Surf Rider Foundation Chairperson (handout), Ms. Carol Georgi - Surf Rider Foundation Treasurer (handout), Mr. David Georgi, Mr. Benjamin Terra, Ms. Vicki Milledge - Los Osos Community Advisory Council (LOCAC) Chairperson, Ms. Alissa Feldman, Ms. Julie Tacker, Mr. David Weisman - Alliance for Nuclear Responsibility, Ms. Rochelle Becker, Dr. C. Hite (Video and handout), Mr. William Fritch – COAST Alliance, Mr. Richard Kurrasch - People of Faith for Justice Executive Director, Mr. Hunter Kilpatrick – California Gray Whale Coalition West Coast Director (handout), Mr. Brian Stacy – Port San Luis Commercial Fisherman’s Association Vice-President, Ms. Christine Heindrichs – Jean-Michel Cousteau’s Ocean Futures Society (handout), Ms. Mary Sullivan, Ms. Willow Walking Turtle, Ms. Carol Dawn, Ms. Crystal Rob, Ms. Christina Osborn, Ms. Sherry Lewis, Mr. Jeff Walters, Ms. Peggy Koteen - San Luis Obispo County Green Party, Mr. Derel Terra – Morro Bay Commercial Fisherman’s Organization, Mr. David Nelson – Coastal Alliance on Plant Expansion (handout), Mr. Al Barrow – COAST Alliance and Mr. Donald Hedrick: speak.

On motion of Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, the Board unanimously agrees to continue the meeting past 5:00 p.m.

Mr. David Kirk – Port San Luis Commercial Fisherman’s Association President, Mr. Jeremiah O’Brian – Morro Bay Commercial Fisherman’s Organization Director, Ms. Gwen Pelfrey, Ms. Carolie Coffey, Ms. Martha Goldin, Mr. Leon Goldin, Mr. Jack Hunter, Mr. Matthew Wedin, Ms. Crystal Baker – Coastal Band of the Chumash Nation, Mr. Fred Collins - Northern Chumash Tribal Council Tribal Administrator and Mr. Jerald Strickland – PG&E: speak.

Upon Board discussion, Mr. Timothy McNulty – Assistant County Counsel, outlines the concerns to be included in the letter: 1) that the conditions of their earlier letter to the State Lands Commission have not been met; 2) that the Board’s long term position is that earthquake hazards near the Diablo Canyon Power Plant do need to be fully understood in order to ensure the long term safety of the community and for that reason, the Board is not opposed to testing in order to establish long term safety of the plant; 3) that the previous work that has been performed has not been adequately analyzed and the results should be included in the development of subsequent studies; 4) that there needs to be a resolution to the impacts to coastal-dependent commercial interests and adequate compensation needs to be made; 5) that new information has been brought to the Board’s attention since the certification of the State Lands Commission's Environmental Impact Report (EIR), regarding potential impacts to human beings who would be in or near the water during the high energy testing; 6) that there needs to be further substantiation of the impacts to the marine environment from the high energy testing; 7) that the Box 4 Survey is not well-defined as a pilot project, but is rather simply a part; and that the Board feels that the survey technology (equipment and approach) should be confirmed as state of the art; with Supervisor Gibson, clarifying the Box 4 survey proposal needs independent review, similar to the review that existed with the larger proposal that the Board indicated needed to occur in their previous letter.

The Board agrees with the issues read into the record by Mr. McNulty with Supervisor Gibson’s clarification to No. 7 to be included in the preparation of a letter for Chairperson Patterson’s signature. Supervisor Gibson, Chairperson Patterson, Administrative staff and County Counsel are directed to prepare the letter to the California Coastal Commission regarding Pacific Gas and Electric’s (PG&E) Coastal Development Permit application and consistency certification to the California Coastal Commission to conduct a 3-D seismic imaging survey in state and federal waters offshore of the Diablo Canyon Power Plant that includes the issues expressed by this Board.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 30, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: November 20, 2012